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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): 915-006.098

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on 10/20/2008

Signature Kelly Puglio

Typed or printed name Kelly Puglio

Application Number	Filed
10/556,225	November 9, 2005

First Named Inventor: Axel Kohnke

Art Unit	Examiner
2157	Michael C. Lai

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☑ attorney or agent of record. Registration number 56,885
- ☐ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

Signature

Shiming Wu
Typed or printed name

203-261-1234
Telephone number

October 20, 2008
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☑ *Total of 1 forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Axel KOHNKE

Serial No. 10/556,225 Examiner: Michael C. Lai

Filing Date: November 9, 2005 Group Art Unit: 2157

For: Method and Device for Network Operator Information Retrieval

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir,

In response to the final Office Action of July 21, 2008, a Notice of Appeal is filed herewith. Applicant respectfully requests a pre-appeal brief conference for reviewing the pending application.

If any fee and/or extension is required in addition to any enclosed herewith, please charge Account No. 23-0442.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR § 1.8(a))

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Kelly Puglio
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REMARKS

Status of the Application

This application includes claims 1-6, 8-11, 13-16 and 18-20. In the Office Action of July 21, 2008, all claims were rejected. With this paper, none of the claims are amended, none are canceled and none are added. A complete list of the pending claims can be found in a previous amendment filed on March 6, 2008.

Claim Rejections under 35 U.S.C. §102

Claims 1-4, 6, 8-11, 13-16 and 18-20 are rejected under 35 U.S.C. §102(e) as being anticipated by De Beer (U.S. Publication 2003/0165227, De Beer hereinafter).

In the rejected claims, claims 1, 9, 14, 18, 19 and 20 are independent.

The present invention as in claim 1 is a method for obtaining network information associated with a selected telephone number. The method comprises: coding a request comprising one or more telephone numbers; transmitting the request to a network serving entity for performing a network information retrieval; receiving a response from the network serving entity, the response comprising network information identifying one or more network operators providing services to the one or more telephone numbers; decoding the response to extract the network information; and storing the network information in conjunction with the one or more telephone numbers. In particular, according to claim 1, the network information comprises identification of one or more network operators providing services to the one or more telephone numbers.

De Beer describes a routing procedure for a telephone call, wherein a mobile telephone 20 sends a request message to a control center 7 after receiving an input of a destination phone number. The control center replies with a response. The response includes routing data for the desired call, and the call is set-up using a modified phone-number based on the routing data.

The similarity between the present invention and De Beer is merely that both disclose sending a request containing at least one telephone number (i.e. destination

number) (see Fig. 5 of De Beer) and receiving a response containing information related to the destination number (see Fig. 6 of De Beer). As shown in Fig. 6 of De Beer, the response message according to De Beer includes header 61, routing data 62, dialing protocol data 63, limit of use data 64 and updating information 65. According to De Beer, routing data 62 defines a modified telephone call number for directing a call to the call destination, dialing protocol data 63 contains information required to correctly implement the modified telephone number, limit of use data 64 is conditional information including for example a time-out period determining the useful life of the response message, and updating information 65 is information for updating data stored in the SIM card (paragraph [0054]).

In response to applicant's previous argument that the information included in the response according to De Beer does not include an identification of the network operator providing services to the destination number, the Office states that the response message of De Beer includes routing data 62 and the routing data may comprise a prefix code to be added to the input telephone number stored in the buffer memory 90 by the processor 30 (paragraph [0056]). The Office states that, "as well known in the telecommunication art, a prefix code represents some kind of network operator identification (e.g. the prefix 10-10-345 is offered by AT&T and is an identification of AT&T)." (see page 2, Response to Argument)

Applicant respectfully submits that, De Beer teaches that routing data 62 defines a modified telephone call number for directing a call to the call destination via a preferred route determined by the control center (paragraph [0054]). As the Office pointed out, the routing data may be a prefix code to be added to the input telephone number (paragraph [0056]). This way, the telephone dials modified number (prefix + destination number) to make a call to call destination using a dialing protocol (step 49, Fig. 4). If, as the Office asserts, the prefix represents a network operator (such as AT&T), then the routing data merely means that the control center has determined that AT&T, among all available operators, would be the preferred operator for routing the call to the destination.

According to De Beer, the determination is based on the charging rates applied by service providers for given routes and variations in performance characteristics of various

networks (paragraph [0004]). Therefore, the prefix code the control center adds to the destination phone number is a variable depending on the circumstances.

In the present invention, on the other hand, a response from the network serving entity comprises e.g. an identity of a network operator that provides services to a specific telephone number (i.e. the owner of the telephone number is a subscriber to the named network operator). Unless the owner changes the subscription, the network identity is always associated with that telephone number. Therefore, the identity of the network included in the response is not a variable that may change depending on the circumstances.

Further, the above statement of the well-known fact about the prefix code is no longer true at least in the inventor's country Finland since fourth quarter of 2002, which is prior to the time of the present invention.

In the originally filed application, it is described that: "The situation has changed in the fourth quarter of 2002. Users of mobile terminal devices were allowed to change to another public land mobile telephony service operator while keeping their telephone number. Therefore, the identification of the public land mobile telephone service operator serving telephony services for a certain telephone number is not transparent any more to the initiators of a call (page 2, lines 11-16).

So this is the reality in many places in the world today: you cannot tell the operator from the prefix. For example, previously, one could tell that a certain mobile number prefix belongs to a certain mobile service operator. After some countries passed legislations to allow number transferability, it is not possible to deduce the identity of the mobile service provider from a certain mobile number prefix. Therefore, the idea of the invention is to check the operator based on the whole telephone number, not merely the prefix.

Based on the above, claim 1 is patentable over De beer. Other independent claims 9, 14, 18, 19, and 20 are also patentable because they have the same patentable features of claim 1. Applicant respectfully requests the rejection under 35 USC 102(e) be reconsidered and withdrawn.

Claim Rejections under 35 U.S.C. §103

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over De Beer as applied to claim 3, and in view of Tomiyori (U.S. Patent 5,305,372).

Claim 5 depends from claim 3 and claim 3 depends from claim 1. Therefore, claim 5 is patentable at least due to its dependency to a patentable main claim. Applicant respectfully requests the rejection of claim 5 be reconsidered and withdrawn.

Conclusion

It is believed that all of the remaining claims in the application are allowable. A decision to withdraw the rejections is respectfully requested.

Respectfully submitted,

Date: 10/20/2008

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